

EMERY TOWER

IBLA 71-300

Decided July 29, 1971

Rules of Practice: Appeals: Dismissal

An appeal to the Board of Land Appeals will be dismissed when the appellant fails to file a statement of reasons in support thereof within the time required.

3 IBLA 403

IBLA 71-300 :

M 18391

EMERY TOWER

: Oil and gas lease offer  
rejected

: Appeal dismissed

### DECISION

On June 1, 1971, Emery Tower filed notice of appeal to the Board of Land Appeals from the decision dated April 29, 1971, by which the Montana land office, Bureau of Land Management, rejected his noncompetitive oil and gas lease offer M 18391 because the land sought was not available under section 17 of the Mineral Leasing Act of 1920, as the land is located within a reservoir right-of-way.

The notice of appeal gave no reasons for the appeal. Consequently, a statement of reasons was required to be filed within 30 days after filing of the notice of appeal. 43 CFR 4.412, 36 F.R. 7200. The appellant was aware of this requirement, as his notice of appeal indicated that he would file a statement of reasons for the appeal within 30 days.

The 30-day period expired July 1, 1971, and the ten-day grace period afforded by 43 CFR 4.401(a), 36 F.R. 7199, has since elapsed, but no statement of reasons has been filed, and no explanation of appellant's failure to comply with the regulation has been submitted. Therefore, the appeal is subject to summary dismissal. 43 CFR 4.402(a), 36 F.R. 7200.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the appeal is dismissed.

---

Newton Frishberg, Chairman

We concur:

---

Joan B. Thompson, Member

---

Edward W. Stuebing, Member

